



14 November 1972

Note for JMM:

Attached for your information is my revision in the nature of a substitute to [redacted] 10 Nov 72 draft National Security Act amendments concerning intelligence sources and methods (see pages 2 and 3).

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Also attached are ~~our~~ less drastic changes which I am recommending for [redacted] consideration.

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LLM

MORI/CDF

| SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM  |  |              |                |
|--|--|--------------|----------------|
| 1  | UNCLASSIFIED   | CONFIDENTIAL | SECRET         |
| <b>OFFICIAL ROUTING SLIP</b>   |  |              |                |
| TO   | NAME AND ADDRESS   | DATE         | INITIALS       |
| 1  | <div style="border: 1px solid black; width: 150px; height: 20px;"></div> |              |                |
| 2  |  |              |                |
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| 5  |  |              |                |
| 6  |  |              |                |
|  | ACTION   | DIRECT REPLY | PREPARE REPLY  |
|  | APPROVAL   | DISPATCH     | RECOMMENDATION |
|  | COMMENT  | FILE         | RETURN         |
|  | CONCURRENCE  | INFORMATION  | SIGNATURE      |
| <b>Remarks:</b><br><br><p>Attached is the revision of your 10 November draft which I mentioned to you. I am also attaching a copy of your 10 November draft (SM) with notations on recommended changes which are detailed and more suitable for discussion than a written paper.</p> <div style="border: 1px solid black; width: 120px; height: 30px; margin: 10px auto;"></div> |  |              |                |
| <b>FOLD HERE TO RETURN TO SENDER</b>   |  |              |                |
| FROM: NAME, ADDRESS AND PHONE NO.  |  |              | DATE           |
| OLC 7D35 x6136   |  |              | 11-14-72       |
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10 November 1972

NATIONAL SECURITY ACT AMENDMENTS OF 1973

CHAPTER \_\_\_\_\_ --PUBLIC LAW \_\_\_\_\_

   H. R.    /

An Act to protect the security of the foreign intelligence  
activities of the United States

Be it enacted by the Senate and House of Representatives of the United  
States of America in Congress assembled,

Section 1. This Act may be cited as the National Security  
Act Amendments of 1973.

Section 2. Section 102 of the National Security Act of 1947,  
as amended, is amended by adding a new subsection (g) to read as  
follows:

(g) In the interests of the security of the foreign  
intelligence activities of the United States and in order  
further to implement the proviso of section 102(d)(3) of  
this Act that the Director of Central Intelligence shall be  
responsible for protecting intelligence sources and methods  
from unauthorized disclosure--

DRAFT:LLM:smg-14 Nov 72

(1) The Director of Central Intelligence shall have authority to issue rules and regulations for the protection of intelligence sources or methods from unauthorized disclosure and shall provide for the classification as "Sensitive Intelligence Sources and Methods" of any information of any kind:

a. revealing the existence or nature of either a source or method for collecting foreign intelligence information or materials, and

b. the unauthorized disclosure of which could lead to counteraction jeopardizing the productivity of such source or method.

(2) Whoever, being or having been an officer or employee of the United States Government, or being or having been a contractor of the United States Government, or being or having been an employee of a contractor of the United States Government, and in the course of such relationship becomes entrusted with "Sensitive Intelligence Sources and Methods" information, knowingly communicates or causes to be communicated such information or any part thereof to an unauthorized person shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(3) The term "unauthorized person" means any person or agency not authorized by the President or by the Director of Central Intelligence with the approval of the President to receive such information classified "Sensitive Intelligence Sources and Methods."

(4) Whenever in the judgment of the Director of Central Intelligence any person has engaged or is about to engage in any acts or practices which constitute, or will constitute, a violation of this section, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with the provisions of this section or any regulation or order issued thereunder, and upon a showing by the Director of Central Intelligence that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

DRAFT:JDM:bg  
10 November 1972

NATIONAL SECURITY ACT AMENDMENTS OF 1973

CHAPTER \_\_\_\_\_ --PUBLIC LAW \_\_\_\_\_

[H. R.      ]

An Act to protect the security of the foreign intelligence activities of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the National Security Act Amendments of 1973.

Section 2. Section 102 of the National Security Act of 1947, as amended, is amended by adding a new subsection (g) to read as follows:

(g) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of this Act that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure--

(1) The Director of Central Intelligence shall promulgate rules and regulations for the protection of intelligence sources and methods from unauthorized

disclosure.

*those classified means for obtaining*

(2) The term "intelligence sources" means <sup>FOREIGN intelligence</sup> [the purveyors of] information and materials [forming the basis of foreign intelligence.]

*those classified means for*

(3) The term "intelligence methods" means [the procedures, systems, devices or techniques used in gathering, assessing, analyzing, and] exploiting <sup>FOREIGN intelligence</sup> information and materials [forming the basis of foreign intelligence.]

[classified AUTHORIZED]

→ (1) The term "unauthorized person" means  
[ (4) Whoever <sup>knowingly</sup> possesses information relating to intelligence sources or methods is required [before [imparting] such information [to another person,] to determine [and verify that such other person is lawfully entitled to receive it.]

(5) Whoever, being or having been an officer or employee of the United States Government, or being or having been a contractor of the United States Government, or being or having been an employee of a contractor of the United States Government, and in the course of such relationship becomes possessed of information relating to intelligence sources or methods which has been classified pursuant to Presidential Directive or rules and regulations promulgated by

the Director of Central Intelligence, knowingly <sup>COMMUNICATES</sup> directly or indirectly <sup>COMMUNICATED</sup> imparts, discloses, publishes, divulges, or makes known in any manner,] or causes to be <sup>COMMUNICATED</sup> imparted, disclosed, published, divulged, or made known in any manner,] such information or any part thereof to <sup>an unauthorized person</sup> any person not entitled to receive it under law or executive order or rules and regulations of the Director of Central Intelligence] shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(6) Whenever in the judgment of the Director of Central Intelligence any person has engaged or is about to engage in any acts or practices which constitute, or will constitute, a violation of this <sup>SECTION</sup> title, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with the provisions of this <sup>SECTION</sup> title or any regulation or order issued thereunder, and upon a showing by the Director of Central Intelligence that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary



injunction, restraining order, or other order may be  
granted.